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PATENT
Attorney Docket No.: 023070-122900US
Client Ref. No.: 2002-137-1

Box Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

On June 28, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Patricia Andrus

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert H. Weiss

Application No.: 10/056,284

Filed: January 23, 2002

For: USE OF INHIBITORS OF
SOLUBLE EPOXIDE HYDROLASE TO
INHIBIT VASCULAR SMOOTH
MUSCLE CELL PROLIFERATION

PETITION REGARDING "NOTICE OF
OMITTED ITEMS"

RECEIVED

JUL 15 2002

OFFICE OF PETITIONS

BOX PETITIONS
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants respond herein to the Notice of Omitted Items in a Nonprovisional Application under 37 CFR 1.53(b) dated May 21, 2002 (the "Notice"). The Notice indicates that Figures 1 and 4 as described in the specification are missing and gives the Applicants the opportunity to demonstrate that the Figures were submitted with the application. Because the Notice is founded on a misreading of the application, it should be withdrawn and the application should be processed for examination with the original filing date.

07/10/2002 RACMDAF1 00000012 201430 10056284

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The application as filed contains Figures 1a to 1e, which are encompassed by a general caption reading "Figure 1," followed by text describing each of Figures 1a to 1e. Similarly, the application contains Figures 4a and 4b, which are encompassed by a single overall heading "Figure 4," followed by separate text describing the individual figures. Accordingly, it is clear that the captions "Figure 1" and "Figure 4" are intended to give the reader reference points for the individually lettered figures. The Notice mistakes these general, overarching captions as meaning that Applicants also meant to submit a separate figure captioned Figure 1 and a separate figure captioned Figure 4. This is an incorrect reading. No figures were omitted in the application as filed; the application was complete as filed and should be returned to normal processing.

While Applicants submit that the captioning of the application was correct as filed and would be correctly understood by persons of skill in the art, for extra measure, a Preliminary Amendment accompanies this Petition. The Preliminary Amendment clarifies that the Figure captions relate to Figures 1a-1e and Figures 4a and 4b, respectively.

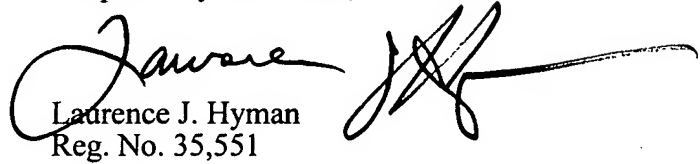
As set forth above, the Notice is grounded on an incorrect reading of the figure captions as filed. All the Figures referred to in the specification were in fact filed with the USPTO with the application. The Notice states: "The petition fee will be refunded if [it] is determined that the item(s) was received by the USPTO." Since all the items indicated by the Notice to be omitted were in fact received by the USPTO, the petition fee should be refunded.

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If there are any questions related to this Petition or if a telephone conference would otherwise expedite prosecution of this application, the reviewer is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,


Laurence J. Hyman
Reg. No. 35,551

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